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COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT

OFFICER INVOLVED SHOOTING EVALUATION

UNIT: Inmate Reception Center
DATE: August 26, 1994
TIME: 1511 hours
LOCATION: Echandia Street and Bridge Street, Los Angeles

URN#: 094-13877-0299-051
IAB#: 008155
NATURE OF INCIDENT: On-Duty Deputy Involved Shooting, Suspect Killed

COMPLETED BY: Sergeant Gary Huggins and Sergeant Paul Stemmler
Internal Affairs Bureau

DATE: October 13, 1994

LOS ANGELES COUNTY - SHERIFF'S DEPARTMENT

CLASSIFICATION

ACCIDENTAL:	No
GUN TAKE-AWAY:	No
PERSON(S) ARMED:	No
PERSON(S) UNARMED:	Yes
STARTLE:	No
UNINTENTIONAL:	No
DEPUTY IN UNIFORM:	[X] RAID JACKET: [ ] PLAIN CLOTHES: [ ]
VEST WORN:	No
FOOT PURSUIT:	No
VEHICLE PURSUIT:	No
MOVING VEHICLE:	No
VEHICLE STOP:	No
TYPE OF HOLSTER:	Off-Duty Pancake Type
GUN IN HOLSTER:	Yes
STRUGGLE INVOLVED:	Yes
ADDITIONAL FACTS AND INFORMATION: See Summary of Investigation	

COUNTY OF LOS ANGELES - SHERIFF'S DEPARTMENT
INCIDENT DATA

WHAT INITIATED INCIDENT

Call [ ] Observation [XX] Search Warrant [ ] Arrest Warrant [ ]

LOCATION OF OCCURRENCE

Echandia Street and Bridge Street, Los Angeles

TYPE OF LOCATION

Residence [ ] Business [ ] Industrial [ ] Parking Lot [ ]

Street [XX] Backyard [ ] Freeway [ ] Rural [ ]

Other [ ] ______________________

SHOOTING CONDITIONS

DATE	TIME	DAY
08/26/94	1511 Hours	Friday

LIGHTING	WEATHER
Good	Clear, Hot

DISTANCE

1-2 feet

CONTRIBUTING FACTORS

See Summary of Investigation

LOS ANGELES COUNTY - SHERIFF'S DEPARTMENT

DEPUTY INVOLVED

SHOOTER

EMPLOYEE'S NAME HOODYE, Sean C.						
RANK Deputy		EMPLOYEE NO. [redacted]	UNIT AND DIVISION / REGION OF ASSIGNMENT Inmate Reception Center, Custody Division			
SEX Male	RACE Black	HEIGHT 6'0"	WEIGHT 165	DATE OF BIRTH [redacted]	AGE [redacted]	
DUTY STATUS Continuing on Duty					HIRE DATE 07/13/87	
UNIFORM Class B	RAID JACKET No	PLAIN CLOTHES No			VEST No	
INJURED No				DECEASED No	CORONER'S CASE NO. N/A	
DESCRIPTION OF INJURIES N/A						

WAS THE DEPUTY IMMEDIATELY REMOVED FROM THE SCENE? YES [X] NO [ ]

WAS THE DEPUTY SEQUESTERED PRIOR TO THE INTERVIEW? YES [X] NO [ ]

WHERE? Inmate Reception Center

SUPERVISED BY: Sergeant Roscoe Sloan

WEAPON USED

TYPE Department Issued 9MM Beretta 92F	AUTHORIZED Yes	
AMMUNITION TYPE Department Issued 9mm	AUTHORIZED Yes	
RANGE QUALIFICATION (LAST DATE) [redacted]	NO. OF ROUNDS FIRED BY DEPUTY One	NO. OF HITS One

DEPUTY'S TOXICOLOGY

UNDER THE INFLUENCE No	TEST FOR CAUSE ORDERED No	ORDERED BY N/A

TRAINING INFORMATION

LASER VILLAGE TRAINING (LAST DATE) [redacted]	PRACTICAL POLICE COURSE (LAST DATE) [redacted]

ASSIGNMENT HISTORY

DATE	UNIT OF ASSIGNMENT	RANK
02/28/93 to Present	Inmate Reception Center	Deputy
[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]

PRIOR SHOOTING INCIDENTS (ALL KNOWN INCIDENTS WHERE DEPUTY HAS DISCHARGED A WEAPON INCLUDING ACCIDENTAL DISCHARGES AND SHOTS FIRED AT ANIMALS OR HUMANS)

FILE	DATE	TYPE
[redacted]		

LOS ANGELES COUNTY - SHERIFF'S DEPARTMENT

SUSPECT/SUBJECT

LAST NAME	FIRST NAME	M/I
CHACON	David	None

ADDRESS
[redacted]

SEX:	RACE	HEIGHT	WEIGHT	D.O.B.	AGE	DECEASED
Male	Hispanic	5'8"	185	01/22/69	25	Yes

INJURED	DESCRIPTION OF INJURIES
N/A	Two Gunshot Wounds Produced by a Single Bullet: (1) Left Chest; (1) Right Hand

SUSPECT'S TOXICOLOGY

UNDER THE INFLUENCE
Unknown

TYPE OF SUBSTANCE	LAB TEST CONDUCTED
Unknown	Pending

ARMED	TYPE OF WEAPON
No	N/A

NUMBER OF SHOTS FIRED BY SUSPECT	NUMBER OF HITS
N/A	N/A

SUSPECT VEHICLE
None

CRIMINAL HISTORY (ATTACH COPY OF RAPS)
See Exhibit H

SUMMARY OF INCIDENT
See Summary of Investigation

INVESTIGATIVE SUMMARY

On August 26, 1994, Lieutenant Ron Tardiff and Sergeants Gary Huggins and Paul Stemmler of the Internal Affairs Bureau responded to the intersection of Echandia Street and Bridge Street in East Los Angeles, to review a Deputy-Involved Shooting. The shooting occurred on a public street at that location.

Homicide Detectives Stuart Reed and Bob Wachsmuth responded to the scene to handle the incident and they were assisted by Homicide Detectives Sabino Muniz and Patrick Robinson. Deputy District Attorney Katherine Mader and District Attorney Investigator [redacted] also responded. Internal Affairs Bureau Investigators were briefed at the scene by Lieutenant Ray Peavy of Homicide Bureau and subsequently received a copy of the Homicide Bureau Executive Notification Memorandum detailing the circumstances of the incident (Exhibit A).

East Los Angeles Station patrol units responded to the location and assisted L.A.P.D. units in containment of the scene. The location of the shooting incident is within Los Angeles City limits and is within the law enforcement jurisdiction of the Los Angeles Police Department. ELA Deputies Arce and Duffy, Unit 21 PM, initiated a Complaint Report (Exhibit B) recording preliminary information about the incident.

The following summary of the incident is based on reports and memoranda contained in this packet and verbal briefings by Homicide Investigators. This summary is preliminary and does not contain an interview with Deputy Sean Hoodye. The summary of his actions was obtained from memoranda and supplemental reports which are included in this review. At the time of the submission of this report, a copy of the Homicide report had not been received by the Internal Affairs Bureau.

On August 26, 1994, at approximately 1511 hours, Deputy Sean Hoodye was involved in an on-duty shooting at Echandia Street and Bridge Street in the City of Los Angeles. Deputy Hoodye, who was in uniform and was driving a marked black and white radio car, was proceeding to White Memorial Hospital for a follow-up appointment to check on a back injury he had sustained the previous day while working at the Inmate Reception Center.

As Deputy Hoodye drove east on Ceasar Chavez Boulevard, he stopped for the red light at the intersection with Echandia Street. A car containing a family then approached from the north and its occupants flagged him down and told him that an older man was being assaulted by a younger man and that his help was needed. He was told that this activity was taking place north on Echandia Street toward Prospect Park.

Deputy Hoodye drove his radio car northbound on Echandia Street toward Prospect Park and observed an older man (later identified as Victim [redacted] being chased by a male Hispanic, approximately 25 years old (later identified as Suspect Chacon). At this time Deputy Hoodye pulled his radio car over to the east curb of Echandia Street, Approximately 29' north of the intersection with Bridge Street.

Victim [redacted] broke free from Suspect Chacon and ran to the passenger side of the radio car as the Suspect approached the driver's side. Suspect Chacon was flailing his arms in the air and yelled at Deputy Hoodye something to the effect, "Who do you think you are, Chuck Norris?"

Deputy Hoodye, who was still seated in the radio car with his seat and safety belts on, warned Suspect Chacon to stay away from the radio car as he pointed his duty weapon at the Suspect. Suspect Chacon then swung his right fist through the open driver's door window towards Deputy Hoodye's face, while he reached in with his left hand and tried to grab the Deputy's gun.

Deputy Hoodye, fearing that Suspect Chacon would gain possession of his gun and fearful of his safety, fired one round toward the Suspect. The bullet struck Suspect Chacon on the right hand, passed through his hand, and entered his chest. A single 9mm shell casing was found on the right front floorboard of the radio car.

Paramedics were summoned and treated Suspect Chacon at the scene. He was transported to Los Angeles General Hospital where he was pronounced dead.

L.A.P.D. Investigators interviewed Victim [redacted] and recorded his statements in a Preliminary Investigation Report (Exhibit C). Victim [redacted] told the L.A.P.D. Investigators that he had been sitting on the grass at Prospect Park reading a newspaper when he heard someone yelling from behind him. When he turned around he saw Suspect Chacon, who was wearing dark colored pants, no shirt, and no shoes. Victim [redacted] said Suspect Chacon had some type of injury to his right shoulder and was carrying a wooden stick which was approximately 2" wide by 15" long.

Victim [redacted] said Suspect Chacon approached him in the park and began striking him on the arms with the stick. Suspect Chacon then began kicking Victim [redacted] on the legs and in the chest and Victim [redacted] grabbed his radio and bag and ran southbound through the park, as the Suspect ran after him. Suspect Chacon caught up with Victim [redacted] and pushed him to the ground, where he kicked him and forced Victim [redacted] head between his legs and began squeezing his neck.

Victim [redacted] said that as he was being assaulted by Suspect Chacon, he saw a black and white radio car approaching the park. Victim [redacted] was able to run toward passenger side of the radio car and Suspect Chacon ran to the driver's side and began to assault Deputy Hoodye who was seated in the driver's seat. Victim [redacted] then heard one gunshot and saw Suspect Chacon fall to the pavement.

Victim [redacted] said he had never seen Suspect Chacon before the incident and did not know why the Suspect attacked him. He said he thought Suspect Chacon was under the influence of drugs and that there was a chemical odor on the Suspect's breath and person.

East Los Angeles Deputy Frank Ramirez, while assisting the handling unit at the scene, contacted an individual (Witness [redacted] who had observed Suspect Chacon prior to his encounter with Victim [redacted] and Deputy Hoodye. Deputy Ramirez recorded statements he took from Witness [redacted] in a supplemental report (Exhibit D).

Witness [redacted] a [redacted] at [redacted] said she was in the playground area of the school at approximately 1500 hours, when she saw Suspect Chacon standing in the street in front of the school. Witness [redacted] said Suspect Chacon was acting in a bizarre manner, shouting at persons and dancing in the street. Due to her observations, Witness [redacted] became frightened for the children under her care on the school grounds and had them enter a classroom.

Witness [redacted] watched as Suspect Chacon approached the front yard of a residence west of and adjacent to the school. Suspect Chacon appeared to be arguing with some unseen person and he then leaped over a 3' fence into the yard and disappeared from view. A few seconds later, Suspect Chacon reappeared and leaped back over the fence out of the yard. As Suspect Chacon was leaping over the fence, his foot caught on the fence and he fell onto the sidewalk.

Witness [redacted] said Suspect Chacon stood up and walked to the middle of the street where he sat down and removed his socks. Suspect Chacon then put the socks down on the street, stood up and walked away westbound. Witness [redacted] lost sight of Suspect Chacon as he walked into a park across the street from the school.

Upon arriving at the location, IAB Investigators observed that the intersection of Echandia Street and Bridge Street had been cordoned off with yellow crime scene tape. The cordoned off area extended north on Echandia Street approximately 150', encompassing an area where the street divides to form two streets that circle around the east and west sides of Prospect Park.

A marked black and white Sheriff's Department radio car was parked along the east curb line of Echandia Street approximately 30' north of the north curb line of Bridge Street. A chalk outline of a prone body was drawn on the pavement of Echandia Street approximately 8' directly west of the parked radio car.

The chalk outline depicted a body lying in a prone position with legs spread and arms outstretched. There was an approximately 2" diameter blood spot on the pavement which was centered in the area depicted by the chalk drawing as the body's right hand. Directly south of the chalk drawing of the body was an area of blood spray on the pavement covering an area approximately 1' wide by 3' long.

IAB Investigators observed blood splatters on the exterior surface of the driver's side rear door window and door panel of the radio car. Additional blood splatters were observed on the upholstery panel on the interior surface of the driver's door and there were blood splatters on a piece of paper laying on the front passenger seat.

IAB Investigators observed that the radio in the vehicle was turned on and that the radio was set on Dispatch Frequency 8. The frequency was identified by contacting the Sheriff's Radio Center and asking the SRC Dispatcher to confirm the frequency. IAB Investigators obtained a tape recording of Dispatch Frequency 8 which recorded Deputy Hoodye's requests for assistance during the incident (Exhibit E).

IAB Investigators were given a copy of a crime scene diagram (Exhibit F) that was drawn by Homicide Investigators and it is included in this review along with a series of photographs (Exhibit G) that were taken by a Crime Lab Technician at the request of Homicide Bureau.

IAB Investigators obtained a copy of Suspect Chacon's Gang Subject Identification Card (Exhibit H) from L.A.P.D. Hollenbeck Gang Investigators and it is included in this review along with Suspect Chacon's California Criminal History Record (Exhibit I)

COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

OFFICE CORRESPONDENCE

Date: December 27, 1994

FROM: GERALD W. MINNIS, COMMANDER PROFESSIONAL STANDARDS AND TRAINING DIVISION

TO: LEE C. MC COWN, CAPTAIN INMATE RECEPTION CENTER

SUBJECT: **FORCE REVIEW COMMITTEE FINDINGS AND RECOMMENDATIONS – HIT SHOOTING, AUGUST 26, 1994, PSTD # 008155**

The purpose of this memo is to notify you of the review committee's findings and recommendations concerning the hit shooting which occurred on August 26, 1994.

The committee met on December 21, 1994, and consisted of myself and Commanders King (FOR II) and Kramer (Custody). We determined that the force used by Deputy Sean Hoodye, [redacted] was within policy.

The committee recommends that you counsel Deputy Hoodye regarding his tactics and that the Inmate Reception Center's policies concerning deputies' use of marked radio cars for non-law enforcement purposes be modified in light of this incident.

Accompanying this memo is the original PSTD Response Team package which contains the IAB and Training Bureau reports. Please evaluate the included material and complete and sign the enclosed form documenting your recommendations and actions. The package should be forwarded to me through your division chief within 30 days.

GWM:jph

11-23-94



LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE
BUREAU OF SPECIAL OPERATIONS • SPECIAL INVESTIGATIONS DIVISION

GIL GARCETTI • District Attorney
SANDRA L. BUTTITTA • Chief Deputy District Attorney
R. DAN MURPHY • Assistant District Attorney

ROBERT F. KUHNERT • Director

November 21, 1994

Captain Donn P. Brooks
Los Angeles County Sheriff's Department
Homicide Bureau
211 West Temple Street
Los Angeles, California 90012

Dear Captain Brooks:

Re: S.I.D. Case No. 100-7844/94-0440
L.A.S.O. D.R.No. 94-13877-0299-051

The Special Investigations Division of the District Attorney's Office for the County of Los Angeles has concluded its investigation and review of the August 26, 1994, fatal shooting of David Chacon, age 25, by Los Angeles County Sheriff's Department Deputy Sean Hoodye. This office has reviewed the incident and determined that the shooting of Mr. Chacon was legally justified.

In reaching this conclusion, we have reviewed the Los Angeles County Sheriff's Department Investigation report received on October 24, 1994. On the night of the shooting, five eyewitnesses were interviewed by Senior District Attorney Investigator [redacted] and Deputy District Attorney Katherine Mader. Additionally, Investigator [redacted] attended the autopsy in this case.

SUMMARY OF THE FACTS

The following summary is based upon LASO reports, a voluntary statement made to Sheriff's investigators by Deputy Sean Hoodye, and reports of interviews prepared by Senior District Attorney Investigator [redacted]

According to the statement of Deputy Hoodye, on August 26, 1994, at approximately 3:00 p.m., he was traveling to White Memorial Hospital for a medical exam for a prior on-duty injury. He was traveling eastbound on Chavez Avenue at Echandia Avenue in the Boyle Heights area of Los Angeles in a marked Sheriff's patrol car. Suddenly he was flagged down by a citizen who reported that an elderly man was being beaten up by a young man with a stick. After turning north onto Enchandia Street, Deputy Hoodye observed Mr. David Chacon hitting an older man, later identified as [redacted] age 57. Deputy Hoodye stopped his car in an effort to

assist Mr. [redacted]

Deputy Hoodye further reported that as he stopped his patrol car, Mr. [redacted] ran toward the passenger's window and told Deputy Hoodye that he needed help. At the same time, Mr. Chacon ran toward the driver's window, and yelled at Deputy Hoodye something like, "What are you going to do, Chuck Norris?" Deputy Hoodye detected a chemical odor coming from Mr. Chacon's mouth, and believed that the odor was PCP. Deputy Hoodye took out his gun, and placed it on his lap. Deputy Hoodye stated that Mr. Chacon struck at his face with his right fist, and was trying to grab at his pistol with his left hand. Deputy Hoodye was leaning across the front seat toward the passenger's window. His mobility was limited by his seat belt, which remained fastened throughout this incident. Mr. Chacon was able to strike Deputy Hoodye's pistol with his left hand. At that point, according to Deputy Hoodye, he feared that Mr. Chacon would be able to gain control of his pistol, and cause him great bodily injury or death. In order to prevent this from occurring, Deputy Hoodye fired his pistol once at point blank range. Mr. Chacon fell back, out of the radio car, and onto the street. The wound was fatal.

Sheriff's investigators recovered Deputy Hoodye's Beretta pistol. Both a bullet recovered from the body of Mr. Chacon and an expended 9 mm caliber cartridge case found at the scene were compared with Deputy Hoodye's pistol. It was determined that both the bullet and the casing were from Deputy Hoodye's pistol.

Deputy Hoodye's version of events was corroborated by numerous witnesses. In interviews conducted by the Sheriff's Department and by the District Attorney's Office, victim [redacted] stated that he was sitting under a palm tree in Prospect Park, reading a newspaper, when Mr. Chacon, wearing dark colored pants, no shirt, and no shoes, ran toward him carrying a large stick. Mr. Chacon hit and kicked Mr. [redacted] numerous times, grabbed his radio, and chased him through the park. When the Sheriff's car arrived, Mr. [redacted] ran to the passenger side. He observed Mr. Chacon at the driver's window, trying to grab Deputy Hoodye's pistol, and swinging at Deputy Hoodye's head. He heard a single gunshot, and observed Mr. Chacon falling backward onto the street. Numerous bruises on the head and torso of Mr. Chacon were observed by District Attorney Investigator [redacted] and Deputy District Attorney Katherine Mader.

Just before the shooting, [redacted] a [redacted] at nearby [redacted] observed Mr. Chacon acting in a bizarre manner, shouting at unknown persons, and dancing in the street. She became frightened for the children who were playing outdoors, and took them into a classroom.

Sheriff's Sergeant Robert Wachsmuth received a phone call from an individual

identifying himself as [redacted] of the deceased, Mr. Chacon. He stated that Mr. Chacon was involved with gangs and drugs, and that the family believed that he would either be killed from the use of drugs, by other gangsters, or by the police. Sergeant Wachsmuth also spoke with State Parole Agent [redacted] She identified Mr. Chacon as a habitual [redacted] She also described a [redacted] on [redacted] during which Mr. Chacon [redacted] He tested positive for PCP during that episode.

According to Los Angeles County Deputy Medical Examiner David Posey, M.D., Mr. Chacon died as the result of a single gunshot wound to the chest which severed his aorta. The toxicology report indicated that Mr. Chacon was under the influence of both cocaine and PCP at the time of this death.

One witness, a 12-year-old boy, [redacted] told Sheriff's deputies that he saw Mr. Chacon "acting crazy." He then claimed that the deputy stepped out of the car and shot Mr. Chacon. He also claimed that Mr. Chacon did not come closer than six feet to the patrol car when the deputy shot him.

LEGAL ANALYSIS

Deputy Hoodye was legally justified in shooting Mr. Chacon under the legal theory of self-defense. In People v. Williams (1977) 75 Cal. App. 3d 731, 739, the court held that a person may use deadly force in self-defense or in the defense of another if one reasonably believes that he is in imminent danger of death or serious bodily injury, and that such action is necessary to save oneself or another from death or serious bodily injury.

Actual danger is not necessary to justify the use of deadly force in self-defense. If one is confronted by the appearance of danger which one believes, and a reasonable person would believe, will result in death or great bodily injury, he may act upon those appearances. People v. Toledo (1948) 85 Ca. App. 2d. 577.

When Deputy Hoodye arrived at his location he had learned that an assault was in progress. His purpose was to assist an elderly assault victim. He observed Mr. Chacon, shirtless, shoeless, and enraged. Mr. Chacon yelled at Deputy Hoodye in an irrational manner. Deputy Hoodye smelled the odor of PCP. Mr. Chacon hit Deputy Hoodye in the torso and head, as Deputy Hoodye leaned away from him in the patrol car. Mr. Chacon was almost able to grab Deputy Hoodye's service pistol. Deputy Hoodye was in fear for his life. Based upon the available evidence, his action in shooting Mr. Chacon was eminently reasonable.

In view of the foregoing analysis our file is now closed in this matter.

Very truly yours,

GIL GARCETTI
District Attorney

R. DAN MURPHY
Assistant District Attorney

By *Katherine Mader*

KATHERINE MADER
Deputy District Attorney

cc: Deputy Sean Hoodye